

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDRICA CAGE, as Personal
Representative of the ESTATE OF
SAMUEL STERLING, (*deceased*),

Plaintiff,

v.

BRIAN KEELY,
in his individual capacity, and
THE UNITED STATES OF AMERICA,

Defendants.

Case No. 1:25-cv-00089

Hon. Hala Y. Jarbou, Chief
Mag. Judge Maarten Vermant

RULE 41: STIPULATION TO VOLUNTARILY DISMISS COUNT II ONLY

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the above-captioned parties, through their respective counsel, stipulate and agree to this voluntary dismissal and state the following:

1. On January 24, 2025, Plaintiff filed this action with a demand for a jury against Defendant Brian Keely (“Keely”) in his individual capacity (ECF No. 1, PageID.1-14).

2. Plaintiff’s complaint consists of only two counts. Count I is a federal question under the Fourth Amendment of the United States Constitution and 42 U.S.C. § 1983; and the gross negligence count-Count II- is derived from tort law.

3. Before Keely answered Plaintiff’s complaint, and before any cross-claim or counterclaim was pled, the United States of America filed a certification on March 11, 2025 (ECF No. 7, PageID. 22-23).

4. In the certification, the United States confirmed that Keely was “acting within the scope” of his official duties as a special deputized member of the United States Marshals

Service Task Force Officer when Samuel Sterling was killed on April 17, 2024 (ECF No. 7, PageID.22)

5. In acknowledgment of the certification, a Notice of Substitution was filed to allow the United States to substitute in for Keely as the defendant with respect to the gross negligence claim in Plaintiff's complaint (ECF No. 8, PageID.24-25).

6. An order was then entered on March 11, 2025, in accordance with the Notice of Substitution (ECF No. 9, PageID.27).

7. Therefore, the parties stipulate and agree to a voluntary dismissal of Plaintiff's tort claim, or Count II in Plaintiff's complaint, without prejudice and without fees or costs to any party.

8. Until further order of the Court, Plaintiff's federal question against Keely in Count I remains pending and Keely will be permitted to file his responsive pleading as separately agreed to by the parties.

Respectfully submitted,

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Dated: May 9, 2025